



City of Granite City

Inspection Department 2000 Edison, Ground Floor Granite City, IL 62040 Phone:(618) 452-6218 Fax:(618) 452-6246

Board of Appeals MINUTES October 3, 2012

The Granite City Board of Appeals met on Wednesday, October 3, 2012. Chairman Sam Akeman called the meeting to Order at 7:00 PM.

ROLL CALL

Members Present: Sam Akeman, Debbie Smith, Kayleen Johnston, Evelyn Harris and Kitty Reither.
Excused absence: Kimberly Benda. Also present were: Alderman Dan McDowell and Zoning Administrator Steve Willaredt

COMMENTS/SWEAR IN

The Chair welcomed everyone and stated the Board of Appeals is a recommending body to the City Council and the Council will have final determination at the next regularly scheduled meeting on October 16, 2012. The Petitioners in the audience were sworn in.

MINUTES / AGENDA

A motion to approve the Minutes from the previous regularly scheduled meeting, August 1st and the Special Meeting held on August 29, 2012, and this evening's Agenda was made by Debbie Smith and seconded by Kayleen Johnston. Voice vote. All ayes. Motion carried.

**PETITIONER (1): James Lamb
3101 Willow Avenue
District Zoned R-2**

The Petitioner introduced himself and stated his request is to construct a detached, 26 X 36, garage on the St. Clair side of his property (located on the corner of St. Clair and Willow). Discussion followed. The Board was told the proposed garage will be located on the portion of St. Clair Avenue that is a one-way street and the only property nearby is St. John United Church of Christ. The Zoning Administrator stated the corner lot is to the advantage of the Petitioner and there is plenty of space (Sketch of plan, Attachment A, available upon request). The Administrator completed the Criteria Checklist and the Board responded as follows:

1. Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property: **Yes.**
2. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties / hardship, and allow a reasonable return on the property: **Yes**
3. The plight of the applicant is due to peculiar circumstances not of his own making: **Yes**
4. The peculiar circumstances of the variance request are not applicable to other property within the district, and therefore, a variance would be a more appropriate remedy than an amendment (i.e. re-zoning): **Yes**
5. The variance, if granted, will not alter the essential character of the area, nor materially frustrate implementation of this municipality's comprehensive plan: **No**

The Chair called for further questions or comments from the Board. Alderman Dan McDowell asked if there were any issues with rainwater run-off and the Administrator stated the Petitioner is required by Code to have gutters and downspouts; should there be run-off, it would affect only his property.

The Chair called for anyone in the audience either for, or against, the Petition request. None voiced.

MOTION by Debbie Smith and seconded by Kitty Reither to approve the 10 ft. side setback variance request to allow construction of the garage as presented. Roll Call vote. All ayes. Motion carried by unanimous consent.

PETITION (2): Chad Harris
55 Country Place Lane
District Zoned R-1

Mr. Gary Harris, father of Chad Harris, introduced himself and asked permission to represent his son's Petition because Chad was at work. Granted.

Mr. Harris began by stating his son is asking permission to build a two car detached garage behind the existing concrete pad and is requesting a zero side setback variance. There is an approximate 50 ft. vacant lot next to the proposed location. Mr. Harris said the small vacant lot would not be useful for any type of structure. The family believes the lot will be sold for taxes and his son hopes to purchase it. Mr. Harris added the proposed garage, with zero setback variance, is still within their property line. As noted on the Madison County aerial map, there is an existing fence at the property line which Mr. Harris stated is owned by his son.

Discussion followed. The Zoning Administrator stated there is no alley nor is there an indication of an utility easement behind the property. Mr. Willaredt explained the easement distance requirement for utilities. Mr. Harris father was advised not to build on the easement and Mr. Harris stated they should be well within the requirement and should be okay.

The Chairman questioned the need for a firewall to be constructed on the new garage. The blueprint provided by The Petitioner indicates the distance from the corner of the house and the corner of the garage appear very close to one another (Attachment B, copy available upon request). Mr. Willaredt showed Mr. Harris the sketch and advised him there must be at least 10 ft. open space between the house and the garage or a firewall is required.

The Zoning Administrator completed the Checklist and the Board responded as follows:

1. Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property: **Yes.**
2. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties / hardship, and allow a reasonable return on the property: **Yes**
3. The plight of the applicant is due to peculiar circumstances not of his own making: **Yes**
4. The peculiar circumstances of the variance request are not applicable to other property within the district, and therefore, a variance would be a more appropriate remedy than an amendment (i.e. re-zoning): **Yes**
5. The variance, if granted, will not alter the essential character of the area, nor materially frustrate implementation of this municipality's comprehensive plan: **No**, with stipulation he stays within 8 ft. in the back and constructs a firewall between the structures if required.

The Chair called for further discussion from the Board. No further questions or comments were voiced. He called for anyone in the audience that was either for or against the Petition. No one came forth.

MOTION by Debbie Smith and seconded by Kayleen Johnston to approve the zero side setback variance and allow construction of a new garage in the rear of property with use of existing concrete pad. Roll Call vote. All ayes. Motion carried by unanimous consent.

PETITION (3): Brenda Miller d/b/a El Gato
1800 Delmar Avenue
District Zoned C-4

The Zoning Administrator asked to speak to Ms. Miller before beginning to hear her Petition. He began by stating the Assistant City Attorney had informed him El Gato was charged with selling liquor to minors last February during a sting operation by the Illinois State Police. He added, proof must be shown to the Board that the case was resolved by the Illinois State Police and the Illinois Liquor Commission before her Petition can be granted. The Petitioner stated the employee was fired and the fine was paid to the State.

Mr. Willaredt stated he learned of the violation yesterday (October 2nd) and Ms. Miller should be in good standing with the City of Granite in order to hear her Petition. Ms. Miller stated she would have brought the proof before this evening had she known it was required.

The Administrator stated, the Board will consider the Petition request; however, a stipulation will likely be included in the finding: Ms. Miller will have until October 16, 2012, to provide proof to the Administrator the case was resolved with the State of Illinois. Failure to provide that documentation will result in the Petition becoming null and void. Ms. Miller agreed.

Ms. Miller began by distributing a new, more concise, rendering of the setback variance request (Attachment C, copy available upon request).

The Petitioner explained the fence will be constructed 23 ft. from the alley, and (noting the area to the 18th Street side of the building) from the sidewalk to the proposed fence line there exists a 20 inch concrete area which runs to the back of the building where begins the proposed 48 ft fence. The side fence will adjoin with the back fence which is 35 ft. across. The variance is requested due to a water company manhole cover located on the grassy area, behind the 20 inch concrete area. The entire wood fenced privacy area will be green space to be utilized as a smoking area and horseshoes.

Member Debbie Smith completed the Criteria Checklist as follows:

1. The proposed variance is consistent with the general purposes of the Zoning Code Article 1, Section 1-100; and
2. Strict application of the district requirements would result in great practical difficulties or hardship to the applicant, and prevent a reasonable return on the property: **Yes.**
3. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties / hardship, and allow a reasonable return on the property: **Yes**
4. The plight of the applicant is due to peculiar circumstances not of his own making: **Yes**
5. The peculiar circumstances of the variance request are not applicable to other property within the district, and therefore, a variance would be a more appropriate remedy than an amendment (i.e. re-zoning): **Yes**
6. The variance, if granted, will not alter the essential character of the area, nor materially frustrate implementation of this municipality's comprehensive plan: **No**

MOTION by Debbie Smith and seconded by Kitty Reither to approve the side setback variance request and allow construction of the wood privacy fence on the 18th Street side of the property with the stipulation that proof is to be provided to the Zoning Administrator that the charges by the Illinois State Police and the Illinois Liquor Commission have been cleared. Roll All vote. All ayes. Motion carried by unanimous consent.

NEW BUSINESS

None

UNFINISHED BUSINESS

None

MOTION TO ADJOURN made by Debbie Smith and seconded by Kayleen Johnston. Motion carried.

Respectfully submitted,

Barbara Hawkins

Secretary, Board of Appeals

BOARD OF APPEALS ADVISORY REPORT
October 3, 2012

PETITIONER (1): James Lamb
LOCATION: 3101 Willow Avenue
REQUEST: 10 ft. side setback variance

Motion by Debbie Smith and seconded by Kitty Reither to grant Petitioner's request for 10 ft. side setback variances and allow construction of a 26 X 36 Garage. District Zoned R-2.

ROLL CALL:

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| Sam Akeman | Yes | Evelyn Harris | Yes |
| Debbie Smith | Yes | Kitty Reither | Yes |
| Kayleen Johnston | Yes | | |

All ayes. Motion carried by unanimous consent.

PETITIONER (2): Chad Harris
LOCATION: 55 Country Place Lane
REQUEST: Zero ft. side setback variance

Motion by Debbie Smith and seconded by Kayleen Johnston to grant the Petitioner's request and allow zero setback variance for construction of a new garage in rear of property with use of existing concrete pad. District Zoned R-1.

ROLL CALL:

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|------------------|-----|---------------|-----|
| Sam Akeman | Yes | Evelyn Harris | Yes |
| Debbie Smith | Yes | Kitty Reither | Yes |
| Kayleen Johnston | Yes | | |

All ayes. Motion carried by unanimous consent.

PETITIONER (3): Brenda Miller, d/b/a El Gato
LOCATION: 1800 Delmar Avenue
REQUEST: Zero ft. Side setback variance

Motion by Debbie Smith and seconded by Kitty Reither to approve the side setback variance and grant the Petitioner's request to allow zero setback variance for construction of wood privacy fence on the 18th Street side of property with stipulation proof is to be provided to the Zoning Administrator that the Charges made in February, 2012, by the Illinois State Police and the Illinois Liquor Commission have been resolved. District Zoned C4.

ROLL CALL:

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|------------------|-----|---------------|-----|
| Sam Akeman | Yes | Evelyn Harris | Yes |
| Debbie Smith | Yes | Kitty Reither | Yes |
| Kayleen Johnston | Yes | | |

All ayes. Motion carried by unanimous consent.